



Washington State Department of Health
Board of Naturopathy
Meeting Minutes
August 14, 2020

GoToMeeting:

Remote meeting through computer, tablet, or smartphone login
(<https://global.gotomeeting.com/join/458100637>)

Or phone dial in (U.S.: +1 (646) 749-3122 / Access Code: 458-100-637)

BOARD MEMBERS PRESENT

Amira Ahdut, ND, LAc, Vice Chair
Chad Aschtgen, ND, Chair
Libby Cope, ND
Joanne Hillary, ND
Marsha Moody, Public Member
Deborah Wright, Public Member

STAFF PRESENT:

Susan Gragg, Program Manager
Renee Fullerton, Executive Director
Davis Hylkema, Program Associate
Michelle Hartman, Administrative Assistant
Luke Eaton, Assistant Attorney General
Bill Kellington, Supervising Staff Attorney

OTHER STAFF PRESENT:

Tracie Drake

GUESTS:

A list of guests can be provided upon request.

OPEN SESSION

1. Call to Order/Introductions—DISCUSSION/ACTION—Chad Aschtgen, ND, Chair

The meeting was called to order at 8:40 A.M.

1.1 Introductions of the board, staff, guests, and audience

Chair, Chad Aschtgen, led roll call of members and staff. He then offered an introductory statement explaining the procedure of the remote meeting.

1.2 Approval of August 14, 2020, agenda

MOTION: A motion was made to approve the August 14, 2020, agenda as presented. The motion was seconded and passed.

1.3 Approval of May 15, 2020 business meeting minutes

MOTION: A motion was made to approve the May 15, 2020, meeting minutes as presented. The motion was seconded and passed.

2. Old Business—DISCUSSION/ACTION—Chad Aschtgen, ND, Chair

2.1 Rule Project Updates

The board heard updates on the status of the following rule projects:

2.1.1 Non-surgical cosmetic procedures.

Ms. Gragg reported the CR101 documents were submitted for review, along with the withdrawal memos for the previous rulemaking. Once the CR101 is filed, there are plans to hold several collaborative workshops in the late fall. It is anticipated these will be held by webinar. Ms. Gragg will send an email via GovDelivery and post all information about the workshops on the web.

2.1.2 Repeal of WAC 246-836-410—AIDS prevention and information education requirements

Ms. Gragg reported that the CR105 was filed on July 22, 2020, and will be published in the Code Reviser's Washington State Register (WSR) on August 19, 2020. The expedited process requires a minimum of 45 days after being published before the CR103 can be completed beginning October 6, 2020 and an update will be given at the November meeting.

2.1.3 Continuing education

Ms. Gragg shared that the board approved the rule petitions but the board will need data from other licensure states that accredit CE to facilitate further discussion on the rule petitions. Once the data has been obtained, the board will review to determine next steps. Ms. Gragg also shared that the board is unable to begin addressing the petitions until the new CE rules come effective January 1, 2021.

3. New Business—DISCUSSION/ACTION—Chad Aschtgen, ND, Chair

3.1 COVID-19 Impact Follow-up

Ms. Gragg discussed the Open Public Meetings Act Waiver – Proclamation 20-28.8 and shared that the legislative caucus leaders have extended the waiver through September 1, 2020. The waiver allows boards and commissions to meet in a virtual manner. Agency public meetings – the Secretary of DOH continues to restrict travel for all employees through 2020. The waivers and restrictions may be extended further depending on the outcome of continued surveillance of the COVID-19 outbreak.

Ms. Gragg stated that any extensions or new information affecting board business will be sent out through the board's bulk email service, GovDelivery.

Ms. Gragg and Ms. Fullerton advised the board that the restriction of meeting in person will not limit the board in their work and the board will be able to proceed with normal routine business.

3.2 2020 Legislative Session follow-up

3.2.1 Substitute House Bill 1630

Ms. Gragg discussed the substitute bill that was reintroduced this session and would have required naturopathic physicians who prescribe controlled substances to have a joint practice arrangement with an MD or DO and would have excluded the performance of colonoscopies under common diagnostic procedures. A striking amendment submitted for House Floor consideration would have modified portions of

naturopathic scope of practice and directed the board to adopt rules in consultation with the Pharmacy Quality Assurance Commission and the Washington Medical Commission to specify educational requirements necessary for naturopathic physicians to prescribe and administer controlled substances. The stricter amendment would also require the board to then submit request legislation consistent with those rules. The bill did not make it to a Floor vote for consideration. It is anticipated another similar bill will be introduced during the 2021 legislative session.

Public attendees were invited to offer input/comments. The following comments were shared:

- One attendee shared with the board and others that their group is working actively with their lobbyist to move another bill forward in 2021.
- Additional attendee stated they were happy to hear another bill is moving forward as they feel their hands have been tied, and this has limited their abilities to support patients.

3.2.2 Engrossed Substitute House Bill 2775

The original bill would have included colon hydrotherapy in the scope of practice for nursing assistants and add naturopathic physicians as the providers who can delegate and supervise them when performing such services. The substitute bill changed the inclusion of colon hydrotherapy from nursing assistants to the creation of a new medical assistant type: medical assistant-colon hydrotherapist. A House Floor amendment would allow colon hydrotherapy to be performed without the supervising naturopathic physician physically present. The bill did not make it to a Floor vote; however, a budget proviso (Section 221, subsection (70)) was added to Engrossed Substitute Senate Bill 6168 that directed the Department of Health (department) to work with stakeholder groups to produce recommendations to the legislature by October 20, 2020, for implementation of a certification program for colon hydrotherapists. The department scheduled two webinar workshops to solicit input on current statutes, practices, and qualification standards in other states, as well as the current practices of colon hydrotherapy in Washington State. The workshops were held in June 2020.

Comments: Dr. Aschtgen expressed concerns that there is not enough information present to allow the board to offer an opinion and felt a deeper analysis is needed to get a full picture on options, cost, and burden on the board. The board agreed to table this for further discussion. Ms. Fullerton advised the board that she will type a summary to provide further information and send it to the board.

3.2.3 Engrossed Substitute Senate Bill 5385

Beginning January 1, 2021, this bill will require a health care provider to be paid the same amount for health care services provided through telemedicine as a provider seeing a patient in-person. State regulated health insurance carriers, the state employee health plans, and Medicaid managed care plans must reimburse a provider for health care services provided through telemedicine at the same rate as health care services provided in-person. (Proclamation 20-29.6 in effect until September 1, 2020, and it is anticipated this will continue to be extended until the bill becomes effective)

Comments: Dr. Aschtgen asked about an interstate compact. How it affects other professions, and how to open up telemedicine across state lines, so there are less restrictions to serve their patients. Is there was anything in this new law that would address that limitation?

Ms. Gragg stated that it gets tricky due to the wide variety in law for the different states. Not all states license the Naturopathy profession, and not all scopes of practice are similar.

Ms. Fullerton advised the board that there is ongoing talks and work going on in the department currently looking at telehealth and access.

Dr. Aschtgen stated that the Naturopathy board needs to engage in some way to help facilitate and participate as he sees this being an ongoing issue. He asked for the conversation to continue to help find other opportunities for the profession.

3.2.4 Substitute Senate Bill 6061

This bill requires telemedicine training by January 1, 2021, for health care professionals who provide clinical services through telemedicine, except for MDs or DOs. The training, which is currently twenty minutes in length is expected to be available from the UW's Telemedicine Collaborative. In addition, the legislation allows training to be offered by hospitals and other health care facilities, continuing education courses, or trainings developed by a health professional board or commission.

Comments: Dr. Aschtgen asked for a list of substitution courses. Ms. Gragg advised that she will follow up and send out any updates via GovDelivery.

3.3 Medical Marijuana Authorization Guidelines

The board reviewed the latest amendments to the Medical Marijuana Authorization Guidelines. Dr. Aschtgen shared the guidelines include amendments and recommendations from the last few rounds of workgroup discussions for the board to review. Ms. Gragg stated the final draft has been approved and adopted by the Washington Medical Commission, Nursing Care Quality Assurance Commission, and the Board of Osteopathic Medicine and Surgery.

MOTION: A motion was made to adopt the changes to the Medical Marijuana Authorization Guidelines as presented. The motion was seconded and passed.

3.4 2021 Meeting Dates

MOTION: A motion was made to accept the 2021 meeting dates presented. Meetings will be held on February 12, May 14, August 13, and November 19. The motion was seconded and passed.

3.5 Election of officers

The suggestion was made to continue with the current leadership to maintain continuity for the upcoming year.

MOTION: A motion was made to keep current positions as is. Dr. Aschtgen will remain as Chairperson and Dr. Ahdut will remain as Vice Chairperson. The motion was seconded and passed.

3.6 Correspondence/Inquiries

The board reviewed and discussed the correspondence received since the last meeting.

3.6.1 One inquiry was received on February 27, 2020, regarding Stem cell aspiration (liposuction [surgery; outside scope of practice], lipoaspiration [unclear], stem cell administration; RCW 18.130.420 [HB2356, laws of 2018]).

- Dr. Ahdut and Luke Eaton, Assistant Attorney General, will work together on gathering more information as well as create a response letter for the individual. Ms. Gragg will reach out to the individual and inform them it's under further review, and a response is forthcoming.

3.6.2 Correspondence was received on May 8, 2020, regarding clarification regarding the prescriptive scope of naturopathic physicians in Washington with respects on Testosterone products.

- The board unanimously agreed that the individual should seek answers from their own counsel. Ms. Gragg and Luke Eaton, Assistant Attorney General, will work together on a response for the individual.

3.6.3 A verbal correspondence was received regarding Immunization courses to fulfill some pharmacology requirement. Whether the CE courses offered on immunizations would fit the requirement?

- There was consensus amongst the board members that vaccines are within the realm of pharmacological, substances, and therefore part of the pharmacology requirement. The board agreed their response to the individual should be stated as "yes, potentially could meet the requirement, but approval depends on the material in a specific course".

4. **Program Reports—DISCUSSION — Renee Fullerton, Executive Director; Susan Gragg, Program Manager; Luke Eaton, AAG Adviser**

4.1 Budget report –

- Ms. Gragg reported that the revenue currently coming in is not quite what it normally would be, under normal circumstances. The difference is caused by the extension of renewals. Several individuals have taken advantage of the option to delay renewing. Expenses are less than allotment and the current balance is looking good. Overall, the budget, as of June 30, 2020, is in good standing.
- Ms. Fullerton gave an update on HELMS, the new software that will replace the current licensure program, ILRS. Contract negotiations with the apparently successful bidder are in process and work is planned to begin in the fall of 2020

and be completed in 2023. The cost of the project is allocated across the professions by the number of licensees and is currently estimated to be twelve to thirteen dollars per licensee per year, over the course of four years. Rather than add a surcharge to each licensee, the allotment will be drawn from each profession's fund balance.

4.2 Statistics reports

- The Credential Count report shows 1395 active licensees. The Current Active Cases report shows 50; 4 – under investigation, 4 - assessments, 11 - pending, and 22 - RBM/legal.

4.3 Continuing education audit report

- There was nothing new to report.

4.4 Recruitment report

- Ms. Gragg reported that Deborah Wright, Public Member, will continue to serve until recruitment is completed for finding a replacement. Joanne Hillary, ND, position is up next year, however, she is able to be reappointed, if interested. Ms. Gragg is also looking at ways to recruit Pro Tem members, to encourage others who may want to participate and learn more about what the board does.
- Luke Eaton, Assistant Attorney General (AAG), advised the board that come September 1, 2020, he will be on a one-month leave, but Lilia Lopez, AAG, will be available to assist.

5. Open Forum

The purpose of the open forum is to provide the public an opportunity to address the board on issues of significance to or affecting the practice of Naturopathy and that are not related to topics for which a rules hearing was or will be scheduled.

Comments:

- Mr. Drake inquired about the Stem Cell / Bone Marrow correspondence discussed above. Dr. Aschtgen advised that the board will give an update at their next meeting November 20, 2020.
- Dr. Doughty commented on Colon Hydrotherapy and stated she believes it is appropriate to have Naturopathy regulating it and having some input. Her concern with not getting involved could prohibit access. She believes it is used as wellness therapy, and not always used for medical reasons.

6. Future Business

- There was no future business to discuss.

7. Settlement Presentations.

- There were no settlement presentations to review.

8. Adjournment of public meeting

The meeting adjourned by approved motion at 11:40 A.M.

9. Discipline and Licensing

The board attended to licensing and disciplinary matters.

Next Meeting:

Date: November 20, 2020
Time: 8:30 a.m.
Location: TBD